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10/053,989	01/19/2002	Curtis Gregory Kelsay	10017364-1	5126

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EXAMINER

WORKU, NEGUSSIE

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/053,989	Applicant(s) KELSAY, CURTIS GREGORY	
	Examiner Negussie Worku	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-25 and 29-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-25 and 29-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 January 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular claim 1, what contains the self-propelled light bar assembly, is not defined what applicant intended to claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 6, 11, 13, 15-16, 18-25 and 29-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Natori (USP 4908717).

With respect to claim 1, Natori teaches an optical scanning apparatus (image scanner of fig 2) comprising: a scanner body (scanner 1 of fig 4); and a self-propelled light bar assembly (light source unit 10 of fig 4, to moves parallel along the guide rail

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means 7 and 8 of fig 4) supported within the scanner body (scanner 1 of fig 4, col.5, lines 29-35).

With respect to claim 2, Natori teaches an optical scanning apparatus (image scanner of fig 2), and further comprising a platen supported by the scanner body, (scanner 1 of fig 4) and wherein the self-propelled light bar assembly (light source unit 10 of fig 4, to moves parallel along the guide rail means 7 and 8 of fig 4) a drive wheel (gear 23 of fig 3) in contact with a drive track (guide rail 7 and 8) defined on the platen (platen 4 of fig 3) to allow the drive wheel to drive the light bar assembly (light source unit 10 of fig 4, to moves parallel along the guide rail means 7 and 8 of fig 4) along the platen (platen 4 of fig 4).

With respect to claim 3, Natori teaches an optical scanning apparatus (image scanner of fig 2), and further comprising a drive track (guide rail 7 and 8) supported within the scanner body, (scanner 1 of fig 2), and wherein the self-propelled light bar assembly (light source unit 10 of fig 4, to moves parallel along the guide rail means 7 and 8 of fig 4) comprises a drive wheel (gear 23 of fig 3) in contact with the drive track (guide rail 7 and 8 of fig 4) to allow the drive wheel to propel the light bar assembly with respect to the scanner body (light source unit 10 of fig 4, to moves parallel along the guide rail means 7 and 8 of fig 4).

With respect to claim 4, Natori teaches an optical scanning apparatus (image scanner of fig 2), and further comprising a platen (platen 4 of fig 4) supported by the

scanner body (scanner 1 of fig 1) and having a first edge, and wherein the drive track (the guide rail means 7 and 8 of fig 4), is positioned adjacent to the first edge of the platen (platen 4 of fig 1).

With respect to claim 5, Natori teaches an optical scanning apparatus (image scanner of fig 2), and wherein the light bar assembly (light source unit 10 of fig 4, to moves parallel along the guide rail means 7 and 8 of fig 4) comprises a biasing member configured to urge the drive wheel (gear 23 of fig 3) towards the drive track (guide rail means 7 and 8 of fig 4).

With respect to claim 6, Natori teaches an optical scanning apparatus (image scanner of fig 2), and wherein the light bar assembly (light source unit 10 of fig 4, to moves parallel along the guide rail means 7 and 8 of fig 4), is supported within the scanner body by the drive track (guide rail 7 and 8 of fig 4).

With respect to claim 7, Natori teaches an optical scanning apparatus (image scanner of fig 2), and wherein the drive wheel (gear 23 of fig 3) includes a rubberized outer portion, and the drive track (7 and 8 of fig 4) has a non-smooth surface to allow the rubberized outer portion of the drive wheel to engage the drive track (7 and 8 of fig 4).

With respect to claim 9, Natori teaches an optical scanning apparatus (image scanner of fig 2), and wherein the light bar assembly, (light source unit 10 of fig 4, to

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moves parallel along the guide rail means 7 and 8 of fig 4) comprises a rotary electric motor (drive motor 24 of fig 3) configured to propel the light bar assembly (light source unit 10 of fig 4, to moves parallel along the guide rail means 7 and 8 of fig 4).

With respect to claim 10, Natori teaches an optical scanning apparatus (image scanner of fig 2), and wherein the light bar assembly comprises a linear electric motor configured to propel the light bar assembly (light source unit 10 of fig 4, to moves parallel along the guide rail means 7 and 8 of fig 4).

With respect to claim 11, Natori teaches an optical scanning apparatus (image scanner of fig 2), a scanner body (1 of fig 1); a light bar assembly supported within the scanner body, (light source unit 10 of fig 4, to moves parallel along the guide rail means 7 and 8 of fig 4), the light bar assembly comprising a drive motor, (drive motor 24 of fig 3), and light source, the light bar assembly configured to move the drive motor and the light source together, (light source unit 10 of fig 4, to moves parallel along the guide rail means 7 and 8 of fig 4).

With respect to claim 12, Natori teaches an optical scanning apparatus (image scanner of fig 2), and wherein the scanner body (scanner 1 of fig 3), defines an inside upper surface, and wherein the drive wheel (gear 23 of fig 3) contacts the inside upper surface of the scanner body (scanner 1 of fig 1).

With respect to claim 13, Natori teaches an optical scanning apparatus (image scanner of fig 2), and further comprising a support surface (platen 4 of fig 3) within the scanner body, (scanner 1 of fig 3) upon which the light bar assembly (10 of fig 1) is supported, and wherein the light bar assembly further comprises support wheels which rest on the support surface, (light source unit 10 of fig 4, to moves parallel along the guide rail means 7 and 8 of fig 4).

With respect to claim 14, Natori teaches an optical scanning apparatus (image scanner of fig 2), and wherein the light bar assembly further comprises biasing members which support the support wheels on the light bar assembly, (light source unit 10 of fig 4, to moves parallel along the guide rail means 7 and 8 of fig 4), and wherein the biasing members urge the support wheels against the support surface, and thereby urge the drive wheel (gear 23 of fig 3) against the drive surface.

With respect to claim 15, Natori teaches an optical scanning apparatus (image scanner of fig 2), and further comprising a position detecting system to allow the detection of the position of the light bar assembly with respect to the scanner body, (light source unit 10 of fig 4, to moves parallel along the guide rail means 7 and 8 of fig 4).

With respect to claim 16, Natori teaches an optical scanning apparatus (image scanner of fig 2), comprising: a scanner body (scanner 1 of fig 1); a magnet-track portion of a linear electric motor (driving motor 24 of fig 4) fixedly supported within the

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scanner body 91 of fig 1); a light bar assembly (light source unit 10 of fig 4, to moves parallel along the guide rail means 7 and 8 of fig 4); and wherein the light bar assembly (10 of fig 1) is supported in the scanner body to place the magnet-track portion in proximity to the slider portion to thereby allow the light bar assembly to be driven along the magnet-track portion (light source unit 10 of fig 4, to moves parallel along the guide rail means 7 and 8 of fig 4).

With respect to claim 17, Natori teaches an optical scanning apparatus (image scanner of fig 2), and wherein the light bar assembly is suspended from the magnet-track portion (light source unit 10 of fig 4, to moves parallel along the guide rail means 7 and 8 of fig 4).

With respect to claim 18, Natori teaches an optical scanning apparatus (image scanner of fig 2), and wherein the light bar assembly rests on top of the magnet-track portion, (light source unit 10 of fig 4, to moves parallel along the guide rail means 7 and 8 of fig 4).

With respect to claim 19, Natori teaches an optical scanning apparatus (image scanner of fig 2), and wherein the light bar assembly rests on a support surface defined within the scanner body such that the slider-portion and the magnetic-track portions are not in direct contact with one another, (light source unit 10 of fig 4, to moves parallel along the guide rail means 7 and 8 of fig 4).

With respect to claim 20, Natori teaches an optical scanning apparatus (image scanner of fig 2), and further comprising a position detecting system to allow the detection of the position of the light bar assembly with respect to the scanner body (light source unit 10 of fig 4, to moves parallel along the guide rail means 7 and 8 of fig 4).

With respect to claim 21, Natori teaches an optical scanning apparatus (image scanner of fig 2), and wherein the position detecting system comprises: a linear encoding strip supported within the scanner body and mounted parallel to the magnet-track portion; and a sensor supported by the light bar assembly and configured to detected the linear encoding strip, (light source unit 10 of fig 4, to moves parallel along the guide rail means 7 and 8 of fig 4).

With respect to claim 22, Natori teaches an optical scanning apparatus (image scanner of fig 2), and wherein: the light bar assembly (light source unit 10 of fig 4, to moves parallel along the guide rail means 7 and 8 of fig 4), is defined by a first end and a second end; the drive wheel is a first drive wheel, (gear 23 of fig 3) the drive track (7 of fig 4) is a first drive track, and the first drive wheel (gear 23 of fig 4) is supported proximate the first end of the light bar assembly, (light source unit 10 of fig 4, to moves parallel along the guide rail means 7 and 8 of fig 4); the optical scanning apparatus (fig 3) further comprising: a second drive track (8 of fig 3) supported within the scanner body (1 of fig 3); and a second drive wheel (24 of fig 3) supported proximate the

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second end of the light bar assembly (light source unit 10 of fig 4, to moves parallel along the guide rail means 7 and 8 of fig 4), and in contact with the second drive track (8 of fig 3).

With respect to claim 23, Natori teaches a method of moving a light bar assembly within a scanner body of an optical scanning apparatus (image scanner of fig 2), comprising: providing a stationary track (7 and 8 of fig 3) within the scanner body (1 of fig 1); providing a motive source supported by the light bar assembly (10 of fig 1); and moving the light bar assembly along the stationary track using the motive source, (light source unit 10 of fig 4, to moves parallel along the guide rail means 7 and 8 of fig 4).

With respect to claim 24, Natori teaches the method, and wherein the light bar assembly is moved to a plurality of positions along the stationary track, (light source unit 10 of fig 4, to moves parallel along the guide rail means 7 and 8 of fig 4), the method further comprising determining the position of the light bar assembly as it is moved along the stationary track (guide rail 7 and 8 of fig 3).

With respect to claim 25, Natori teaches the method, and further comprising urging the light bar assembly against the stationary track while moving the light bar assembly along the stationary track (light source unit 10 of fig 4, to moves parallel along the guide rail means 7 and 8 of fig 4).

With respect to claim 29, Natori teaches the method (fig 4) and further comprising urging the light bar assembly (scanner fig 2) against the stationary track (frame 7 of fig 2) while moving the light bar assembly (light source 12 911) of fig 4) along the stationary track.

With respect to claim 30, Natori teaches the scanner (fig 2) further comprising a support member (frame body 2 of fig 2) the light (light source 12 (11) of fig 4) and the motor (25 of fig 4) fixedly attached to the support member (frame body 2 fig 2), the support member movable within the scanner (fig 4).

With respect to claim 31, Natori teaches the scanner wherein the motor (25 of fig 3) is configured to linearly move the support member within the scanner (scanner fig 2)

With respect to claim 32, Natori teaches the scanner (fig 1), wherein the motor (25 of fig 3) is connected to the drive wheel via a series of meshing gears, (23 and 24 of fig 3) the drive wheel contacting a track within the scanner, (fig 3) the drive wheel carried by the support member (7 of fig 2)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 7, 9, 10, 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Natori (USP 4,908,717) in view of well known prior art (MPEP 2144.03).

With respect to claims 5, 7, 9, 10, 12, 14 and 17 Nagoshi fail to specifically disclose biasing member of claim 5 and 14, rubber of claim 7, electric motor of claim 9, linear electric motor of claim 10, drive wheel of claim 12, and motive source of claim 17.

The examiner takes Official Notice of that it is well known in the art the light assembly comprises a biasing member, a rubber, electric motor, linear motor, drive wheel and motive source.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nagoshi (USP 4,634,261) to use the above indicated elements of claims 5, 7, 9, 10, 12, 14, and 17.

It would have been obvious to one of ordinary skill in the art at the time of the invention to a capable of performing the intended use.

Response to the arguments

7. Applicant's remarks with respect to claim 1, 11, 16 23 and 29 as indicated in page 8-11, Examiner believes the arguments are not persuasive, because a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the

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claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Regarding arguments of claims 5, 7, 9, 10, 12, 14 and 17, Examiner cited new ground of rejection as indicated in paragraph 6 and 7.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Negussie Worku whose telephone number is 571-272-7472. The examiner can normally be reached on 9am-6pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Negussie Worku

01/25/06



MARK WALLERSON
PRIMARY EXAMINER